

SENATE BILL No. 468

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13-1; IC 4-23-16; IC 5-15-5.1; IC 5-21; IC 20-10.1-25-1.

Synopsis: State information technology. Creates the department of information technology to combine the duties of the division of information technology of the department of administration and the technology oversight commission. Transfers rules, personnel, funds, and equipment to the new agency.

Effective: July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Economic Development and Technology.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 468

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13-1-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The department consists of
3 the following divisions:

- 4 (1) General services.
5 (2) Property management.
6 ~~(3) Information services.~~
7 ~~(4)~~ (3) Public works.
8 ~~(5)~~ (4) State land office.

9 (b) The commissioner may do the following:

- 10 (1) Organize the department and its divisions.
11 (2) Transfer or merge functions between divisions in the interest
12 of economy and efficiency.
13 (3) Terminate certain divisions within the department whenever
14 possible.

15 (c) The commissioner may exercise direction and supervision over
16 the divisions in the performance of their respective functions, subject
17 to the approval of the governor.

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SECTION 2. IC 4-13-1-4, AS AMENDED BY P.L.292-2001,
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2004]: Sec. 4. The department shall, subject to this chapter,
do the following:

(1) Execute and administer all appropriations as provided by law,
and execute and administer all provisions of law that impose
duties and functions upon the executive department of
government, including executive investigation of state agencies
supported by appropriations and the assembly of all required data
and information for the use of the executive department and the
legislative department.

(2) Supervise and regulate the making of contracts by state
agencies.

(3) Perform the property management functions required by
IC 4-20.5-6.

(4) Assign office space and storage space for state agencies in the
manner provided by IC 4-20.5-5.

(5) Maintain and operate the following for state agencies:

(A) Central duplicating.

(B) Printing.

(C) Machine tabulating.

(D) Mailing services.

(E) Centrally available supplemental personnel and other
essential supporting services.

~~(F) Information services.~~

~~(G) Telecommunication services.~~

The department may require state agencies to use these general
services in the interests of economy and efficiency. The general
services rotary fund ~~the telephone rotary fund; and the data
processing rotary fund~~ ~~are~~ ~~is~~ is established through which ~~these~~
services may be rendered to state agencies. The budget agency
shall determine the amount for ~~each~~ ~~the~~ rotary fund.

(6) Control and supervise the acquisition, operation, maintenance,
and replacement of state owned vehicles by all state agencies. The
department may establish and operate, in the interest of economy
and efficiency, a motor vehicle pool, and may finance the pool by
a rotary fund. The budget agency shall determine the amount to
be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers
and employees of all state agencies when engaged in the
performance of state business. These rules may allow
reimbursement for travel expenses by any of the following

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methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote

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economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

SECTION 3. IC 4-23-16-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. The information technology department is established as a state agency (referred to as "the department" in this chapter).**

SECTION 4. IC 4-23-16-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.6. The department may require state agencies to use information and telecommunication services provided by the department. The data processing rotary fund and the telephone rotary fund are established through which these services may be rendered to state agencies. The budget agency shall determine the amount of funding for each rotary fund.**

SECTION 5. IC 4-23-16-2, AS AMENDED BY P.L.143-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 2. The commission shall be composed of the following ~~four (4)~~ five (5) members:**

(1) A member of the governor's staff, to be appointed by the governor.

(2) A member of the auditor's staff, to be appointed by the auditor of state.

(3) The director of the budget agency or the director's designee.

(4) The commissioner of the Indiana department of administration or the commissioner's designee.

(5) The chief information officer of the department of information technology or the chief information officer's designee.

SECTION 6. IC 4-23-16-4, AS AMENDED BY P.L.143-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4. (a) The staff of the ~~commission~~ department shall assist the commission in implementing this chapter.**

(b) The commission shall create, from existing state agency personnel or other individuals and organizations, any additional groups or committees necessary to carry out its responsibilities.

SECTION 7. IC 4-23-16-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4.1. (a) The governor shall appoint ~~an executive director of the commission~~ a chief information officer of the department who serves at the governor's**

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1 pleasure. The commission shall advise the governor in the selection of
2 the ~~executive director~~ **chief information officer**.

3 (b) Subject to the approval of the commission, the ~~executive director~~
4 **chief information officer** may do the following:

5 (1) Employ staff necessary to advise and assist the commission as
6 required by this chapter.

7 (2) Fix compensation of staff according to the policies currently
8 enforced by the budget agency and the state personnel
9 department.

10 (3) Engage experts and consultants to assist the commission.

11 (4) Expend funds made available to the staff according to the
12 policies established by the budget agency.

13 (5) Establish policies, procedures, standards, and criteria
14 necessary to carry out the duties of the staff of the ~~commission~~.
15 **department**.

16 SECTION 8. IC 4-23-16-5, AS AMENDED BY P.L.143-2001,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2004]: Sec. 5. (a) As used in this chapter, "information
19 technology" includes the resources, technologies, and services
20 associated with the fields of:

21 (1) information processing;

22 (2) office automation; and

23 (3) telecommunication facilities and networks.

24 (b) It shall be the responsibility of the ~~commission~~ **department** to
25 coordinate the operations of the various information technology
26 systems within the executive, including the administrative, branch of
27 state government insofar as is possible without infringing upon the
28 prerogatives of the separately elected state officials. The objectives of
29 the ~~commission~~ **department** shall be to develop consistent policy and
30 to promote economical, effective, and integrated information
31 technology services, technology accessibility, operational security, and
32 adherence to the principles of the code of fair information practices for
33 individual privacy.

34 SECTION 9. IC 4-23-16-6 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The ~~commission~~
36 **department** shall develop and maintain policy and administrative
37 procedures and shall distribute the operational rules of the ~~commission~~
38 **department** to all affected agencies.

39 SECTION 10. IC 5-15-5.1-5 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Subject to
41 approval by the oversight committee on public records created by
42 section 18 of this chapter, the commission shall do the following:

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- 1 (1) Establish a forms management program for state government
- 2 and approve the design, typography, format, logo, data sequence,
- 3 form analysis, form number, and agency file specifications of
- 4 each form.
- 5 (2) Establish a central state form numbering system and a central
- 6 cross index filing system of all state forms, and standardize,
- 7 consolidate, and eliminate, wherever possible, forms used by state
- 8 government.
- 9 (3) Approve, provide, and in the manner prescribed by IC 5-22,
- 10 purchase photo-ready copy for all forms.
- 11 (4) Establish a statewide records management program,
- 12 prescribing the standards and procedures for record making and
- 13 record keeping; however, the investigative and criminal history
- 14 records of the state police department are exempted from this
- 15 requirement.
- 16 (5) Coordinate utilization of all micrographics equipment in state
- 17 government.
- 18 (6) Assist the Indiana department of administration in
- 19 coordinating utilization of all duplicating and printing equipment
- 20 in the executive and administrative branches.
- 21 (7) Advise the Indiana department of administration with respect
- 22 to the purchase of all records storage equipment.
- 23 (8) Establish and operate a distribution center for the receipt,
- 24 storage, and distribution of all material printed for an agency.
- 25 (9) Establish and operate a statewide archival program to be
- 26 called the Indiana state archives for the permanent government
- 27 records of the state, provide consultant services for archival
- 28 programs, conduct surveys, and provide training for records
- 29 coordinators.
- 30 (10) Establish and operate a statewide record preservation
- 31 laboratory.
- 32 (11) Prepare, develop, and implement record retention schedules.
- 33 (12) Establish and operate a central records center to be called the
- 34 Indiana state records center, which shall accept all records
- 35 transferred to it, provide secure storage and reference service for
- 36 the same, and submit written notice to the applicable agency of
- 37 intended destruction of records in accordance with approved
- 38 retention schedules.
- 39 (13) Demand, from any person or organization or body who has
- 40 illegal possession of original state or local government records,
- 41 those records, which shall be delivered to the commission.
- 42 (14) Have the authority to examine all forms and records housed

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or possessed by state agencies for the purpose of fulfilling the provisions of this chapter.

(15) In coordination with the ~~data processing oversight commission~~ **information technology department** created under IC 4-23-16, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

(b) In implementing a forms management program, the commission shall follow procedures and forms prescribed by the federal government.

(c) Fees collected under subsection (a)(16) shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter.

SECTION 11. IC 5-15-5.1-18, AS AMENDED BY P.L.114-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

- (1) the governor or his designee;
- (2) the secretary of state or his designee;
- (3) the state examiner of the state board of accounts or his designee;
- (4) the director of the state library;
- (5) the director of the historical bureau;
- (6) the director of the commission on public records;
- (7) the commissioner of the department of administration or his designee;
- (8) the public access counselor; and
- (9) the ~~executive director of the data processing oversight commission~~ **chief information officer of the information technology department** or the ~~executive director's chief information officer's~~ designee.

(b) The oversight committee also consists of two (2) lay members appointed by the governor for a term of four (4) years. One (1) lay member shall be a professional journalist or be a member of an association related to journalism.

(c) The oversight committee shall elect one (1) of its members to be chairman. The director of the commission on public records shall be the secretary of the committee. The ex officio members of the oversight

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committee shall serve without compensation and shall receive no reimbursement for any expense which they may incur. Each lay member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the state budget agency and each lay member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

SECTION 12. IC 5-21-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The commission consists of ~~sixteen (16)~~ **seventeen (17)** members as follows:

(1) Four (4) members appointed by the governor for terms of four (4) years each with representation from the user community and general public.

(2) A representative of the governor to serve at the governor's pleasure.

(3) The lieutenant governor or the lieutenant governor's designee.

(4) The state budget director or the state budget director's designee.

(5) The superintendent of public instruction or the superintendent's designee.

(6) The director of the Indiana state library or the director's designee.

(7) The executive director, who serves as a nonvoting member and as secretary.

(8) The commissioner of the Indiana department of administration or the commissioner's designee.

(9) The chief information officer of the information technology department or the chief information officer's designee.

(10) A representative of the coordinating unit established under IC 20-12-12-3.

~~(10)~~ **(11)** Two (2) members of the house of representatives appointed by the speaker of the house, who may not be members of the same political party, to serve as nonvoting ex officio members of the commission.

~~(11)~~ **(12)** Two (2) members of the senate appointed by the president pro tempore of the senate, who may not be members of the same political party, to serve as nonvoting ex officio members of the commission.

(b) If a vacancy occurs among the appointed members of the commission, the governor shall appoint another member to serve the unexpired term of the vacating member.

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(c) The governor may authorize one (1) or more members of the commission to designate another individual to act for the member under this article. The governor's authorization may be modified or terminated at any time.

SECTION 13. IC 5-21-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. A quorum of the commission consists of ~~seven (7)~~ **eight (8)** voting members. If at least a quorum of its members is present at a public meeting, the commission may take a final action upon the approval of seven (7) of the voting members of the commission.

SECTION 14. IC 5-21-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. The commission is not subject to the jurisdiction of the ~~data processing oversight commission under IC 4-23-16.~~ **information technology department.**

SECTION 15. IC 5-21-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The committee is composed of the following ~~nine (9)~~ **ten (10)** members:

- (1) The state budget director or the director's designee.
- (2) The commissioner of the Indiana department of administration or the commissioner's designee.
- (3) **The chief information officer of the information technology department or the chief information officer's designee.**
- (4) A liaison from the governor's office.
- ~~(4)~~ **(5)** The director of the state library or the director's designee.
- ~~(5)~~ **(6)** The director of the commission on public records or the director's designee.
- ~~(6)~~ **(7)** The attorney general or the attorney general's designee.
- ~~(7)~~ **(8)** Three (3) individuals who are members of the general public, appointed by the governor for three (3) year terms.

(b) In addition to the members designated under subsection (a), the governor may appoint any number of nonvoting members who serve at the governor's pleasure.

(c) The intelenet commission shall select one (1) member of the committee to serve as chairperson of the committee.

(d) ~~Five (5)~~ **Six (6)** members of the committee constitute a quorum. The affirmative votes of ~~five (5)~~ **six (6)** members of the committee are necessary for the committee to take action.

SECTION 16. IC 20-10.1-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The educational technology program and fund is established for the purpose of providing and extending educational technologies to elementary and

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secondary schools for:

(1) the 4R's technology grant program to assist school corporations (on behalf of public schools) in purchasing technology equipment:

(A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using technology;

(B) for students in all grades, to understand that technology is a tool for learning; and

(C) for students in kindergarten through grade 3 who have been identified as needing remediation, to offer daily remediation opportunities using technology to prevent those students from failing to make appropriate progress at the particular grade level;

(2) providing educational technologies, including computers in the homes of students;

(3) conducting educational technology training for teachers; and

(4) other innovative educational technology programs.

(b) The department may also utilize money in the fund under contracts entered into with the ~~Indiana department of administration and the state data processing oversight commission~~ **information technology department** to study the feasibility of establishing an information telecommunications gateway that provides access to information on employment opportunities, career development, and instructional services from data bases operated by the state among the following:

(1) Elementary and secondary schools.

(2) Institutions of higher learning.

(3) Vocational educational institutions.

(4) Libraries.

(5) Any other agencies offering education and training programs.

(c) The fund consists of:

(1) state appropriations;

(2) private donations to the fund;

(3) money directed to the fund from the corporation for educational technology under IC 20-10.1-25.1; or

(4) any combination of the amounts described in subdivisions (1) through (3).

(d) The program and fund shall be administered by the department.

(e) Unexpended money appropriated to or otherwise available in the fund for the department's use in implementing the program under this chapter at the end of a state fiscal year does not revert to the state general fund but remains available to the department for use under this

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1 chapter.

2 (f) Subject to section 1.2 of this chapter, a school corporation may
3 use money from the school corporation's capital projects fund as
4 permitted under IC 21-2-15-4 for educational technology equipment.

5 **SECTION 17. [EFFECTIVE JULY 1, 2004] (a) The rules adopted**
6 **by the Indiana department of administration before July 1, 2004,**
7 **concerning technology and telecommunications in state**
8 **government are considered, after June 30, 2004, rules of the**
9 **information technology department.**

10 (b) On July 1, 2004, the information technology department
11 becomes the owner of all the personal property of:

12 (1) the Indiana department of administration, division of
13 information technology; and

14 (2) the state information technology oversight commission.

15 (c) The funds that remain in the data processing rotary fund
16 and the telecommunications rotary fund as administered by the
17 Indiana department of administration on June 30, 2004, shall be
18 transferred to the data processing rotary fund and the
19 telecommunications rotary fund administered by the information
20 technology department.

21 (d) The funds that were appropriated to the Indiana department
22 of administration budget attributable to the division of information
23 technology for the fiscal year beginning July 1, 2004, and ending
24 June 30, 2005, shall be transferred to the information technology
25 department.

26 (e) The funds that were appropriated to the information
27 technology oversight commission for the fiscal year beginning July
28 1, 2004, and ending June 30, 2005, shall be transferred to the
29 information technology department.

30 (f) Employees of the Indiana department of administration,
31 division of information technology and the state information
32 technology oversight commission on June 30, 2004, are employees
33 of the information technology department.

34 (g) This SECTION expires July 1, 2005.

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